

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott D. Creech,

Petitioner,

v.

Case No. 1:15cv193

Charlotte Jenkins, Warden,
Chillicothe Correctional Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on February 3, 2016 (Doc. 18).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 18) have been filed. Respondent's Motion to Dismiss (Doc. 11) is **DENIED WITHOUT PREJUDICE AS MOOT.**

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge